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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/927,541 | 08/13/2001 | Oved Haisraeli | 01/21913 | 6107 |

7590 06/30/2005

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EXAMINER

VU, TUAN A

ART UNIT PAPER NUMBER

2193

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 09/927,541 | Applicant(s) HAISRAELI, OVED | |
| | Examiner Tuan A. Vu | Art Unit 2193 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed 8/13/2001.

Claims 1-86 have been submitted for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 20, 21, 23-26, 28, 31-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites 'operable to' (line 2); this does not enable a teaching as to whether an action is definitely being performed or takes place; and can be treated as possibly not taking place at all.

Claims 21, 23-26, 28, and 31-36 exhibit the same informality, hence are rejected likewise.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-9, 11, 14-15, 17, 19-24, 26-27, 29-41, 43-44, 46-54, 56-60, 62, 64-67, 69, 71-83, and 85 are rejected under 35 U.S.C. 102(e) as being anticipated by Cidon et al., USPN: 6,269,330 (hereinafter Cidon).

As per claim 1, Cidon discloses a supervisor apparatus for running an integrated operation (*system 22* – Fig. 1) on a plurality of applications distributed on networked stations, the apparatus comprising:

an evaluating unit for receiving and evaluating output from at least two stations including a first station and at least one other station (e.g. Analyzer 62 → Testing Center 80 - Fig. 1; NM 70 – col. 11, lines 3-24), and

an operating unit for sending selected commands to a first application running on said first station (e.g. col. 3, lines 1-9; col. 6, lines 9-35; col. 15, line 66 to col. 16, line 3; col. 4, lines 19-38; col. 5, line 57 to col. 6, line 8), said commands being selectable according to rules (e.g. col. 16, line 43 to col. 17 line 50);

said rules specifying a dependency of a command (e.g. *script*, *commands*, *subroutines*, *Javascript*, *Unix Shell*, *tcl/tk* - col. 17, lines 18-35 – Note: script and subscript hierarchical or subroutine like layout reads on rule on sequential dependency of a command) to be sent to said first station upon an evaluation of output from said at least one other station (e.g. col. 5, lines 25-57; *pass commands between them* – col. 5, lines 57-65 – Note: NM agents generating reports and receiving selected scripts commands from test center reads on evaluation of output from first station by one other station).

As per claims 2-3, Cidon discloses rules embodied in a computer program or scripts (col. 17, lines 45-50).

As per claim 4, Cidon discloses synchronization point comprising functionality to require unidirectional temporal dependency of a command to one station upon received outputs from said other station (e.g. steps 172-178, Fig. 5; Table 1, pg. 14 – Note: dependency of one station upon receiving data from connection-related inquiries from script execution reads on a requirement based on temporal dependency of a flow sequentially done from agent issuer to target switch which are providing resulting data, i.e. *unidirectional*; col. 12, lines 34-40).

As per claim 5, Cidon discloses that said operating unit is a process running on said first station (e.g. *Testing Center 80* - Fig. 1).

As per claim 6, Cidon discloses that said operating unit is a process running on a station other than said first station (e.g. traffic agents, *hosts 60* – Fig. 1; col. 10, lines 41-52 – Note: acting for a testing center but located at hosts, traffic agents reads on operating unit running on station other than Testing center).

As per claim 7, Cidon discloses sending commands to a plurality of applications running on a plurality of stations (e.g. agents 70 - col. 11, lines 1-39).

As per claims 8-9, Cidon discloses testing of said applications (e.g. Network Management, Qos, SNMP – col. 11, lines 17-46) or functional testing of said applications (e.g. col. 12, lines 10-14; Fig. 2; col. 12, lines 34-40).

As per claim 11, Cidon discloses testing unit for testing said integrated operation (e.g. TABLE 1, TABLE 2, col. 14-16 – Note: concert of results in sequence by the script commands reads on integrated operation in a NM connectivity scheme).

As per claims 14-15, Cidon discloses integrated operation is a test operation (Fig. 7) with functional tests on said applications (e.g. receive, transmit – Fig. 7).

As per claim 17, Cidon discloses test applications operative to test locally installed test subject applications (e.g. agent 70, switch 24; host 36, switch 24 – Fig. 1 – Note: switch data captured by host application running locally on host machine reads on locally installed test subject).

As per claim 19, Cidon discloses rules comprise scripts for interacting with a plurality of applications (e.g. Fig. 1; Fig. 5, 7).

As per claim 20, Cidon does not explicitly disclose freeze running of said scripts at at least one of said applications until receipt of a predetermined output from a predetermined other of said applications; but based on data retrieve in sequences in view of predetermined performance output being used to dictate additional script command to be taken (e.g. table 1, col. 14; Fig. 5; COMPARE PERFORMANCE – Fig. 5; *predetermined, pre-agreed* – col. 18, lines 26-50), the stopping of one command in order to get data necessary to start the next command execution in an orderly manner is disclosed.

As per claim 21, by virtue of claim 20, Cidon discloses freeze running of said scripts at at least one of said applications until receipt of an indication that a predetermined other of said applications is ready to carry out a given operation.

As per claim 22, Cidon discloses that said interaction is a test ((e.g. Fig. 1; Fig. 5, 7 – Note: network management interacting different devices for respective response time reads on test interacting target for data collecting).

As per claim 23, with regard to the synchronization point of claim 4, Cidon discloses synchronization points in said integrated operation, said synchronization points being usable at a station to temporally affect operation at said station (e.g. col. 10, lines 49 to col. 11, line 16 –

NOTE: collecting data and filtering by a analyzer agent at the host reads on affect operation at that station, i.e. the operation to collect profiling data).

As per claim 24, Cidon discloses a definition comprising a list of at least one station to use said synchronization point (e.g. list – col. 17, lines 1-6; *definitions of groups* – col. 6, line 57-60).

As per claim 26, Cidon discloses a definition comprising at least two events from evaluations made by said evaluator (e.g. Table 1, col. 14; Fig. 5-6; *probability states, rates, duration time* - col. 17, line 66 to col. 18, line 32).

As per claim 27, Cidon discloses an evaluation of output from said first station (e.g. col. 16, lines 24-40) and one of said two events is an evaluation of output from said second station (e.g. *analyzers, determine behavior* – col. 4, lines 8-37; *table 154, calculate statistics* - col. 15, lines 41-45– Note: analyzers in traffic agents which are stand-alone or part of a host – see col. 10, lines 49-67 – reads on second station evaluating output events).

As per claims 29-30, Cidon discloses an indication of successful sending of data from a first station and said second event comprises an indication of successful receipt of said data at a second station or an indication of unsuccessful receipt of said data at a second station (e.g. col. 17, lines 60-64 – Note: send and receive acknowledging in basic network protocol inherently teaches indication of send/receipt at either ends of a communication link – successful or non-successful).

As per claim 31-32, Cidon discloses a maximum time delay for waiting for an event associated with said synchronization point; and different maximum time delays for different stations (e.g. *compute delay 360* – Fig. 7; col. 14, line 64 to col. 15, line 4 - Note: testing center

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having reports via agents to build information on different source of devices/nodes; i.e. this discloses maximum delay from different stations).

As per claims 33-35, Cidon discloses an event occurrence notifier operable to inform one of said stations about occurrence of an event at another of said stations (e.g. col. 14, line 49 to col. 15, line 54 – Note: receipt of a packet reads on event occurrence notifier at the receiving agent); supervisor generated data regarding said occurrence (Fig. 7); station generated data regarding said occurrence (*table 154, finite state, flag* - col. 15, lines 5-45).

As per claim 36, Cidon discloses evaluating output from at least two of said stations together (e.g. Fig. 1 – 6 – Note: asynchronous and non-procedural nature of packet arriving event reads on simultaneous capture of data from stations monitored in a same span of time).

As per claim 37, Cidon discloses a system for running an integrated operation on a plurality of applications distributed on networked stations, the system comprising:

a plurality of supervisor apparatus units (*host 36* – Fig. 1) for running an integrated operation on a plurality of applications distributed on networked stations, at least one of said supervisor apparatus units comprising:

an evaluating unit for receiving and evaluating output from at least two stations, including a first station and at least one other station (e.g. Analyzer 62 → Testing Center 80 - Fig. 1; NM 70 – col. 11, lines 3-24),

an operating unit for sending selected commands to a first application running on said first station (e.g. col. 3, lines 1-9; col. 6, lines 9-35; col. 15, line 66 to col. 16, line 3), said commands being selectable according to rules (e.g. *script, commands, subroutines, Javascript, Unix Shell, tcl/tk* - col. 17, lines 18-35), said rules specifying a dependency of a command to be

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sent to said first station upon an evaluation of output from at least said other station (e.g. col. 5, lines 25-57; *pass commands between them* – col. 5, lines 57-65), and

a coordinator for coordinating operation of said plurality of supervisor apparatus
(*Operator 96, Agent 64* – Fig. 1).

As per claims 38-39, Cidon discloses coordinator is operable for sending parameters to said supervisor apparatus, for affecting operation of said rules (e.g. Table 2, col. 16; *parameters* - col. 19, line 4-34); for sending sets of rules (e.g. *instruction scripts* – col. 16, lines 8-29) to said supervisor apparatus, for use by said supervisor apparatus in running integrated operations on a plurality of applications distributed on networked stations.

As per claims 40-41, these claims include the same limitations of claims 8-9, hence are rejected with the corresponding rationale therein.

As per claim 43, refer to rejection of claim 11.

As per claim 44, refer to rejection of claim 8 for functional test.

As per claims 46-49, Cidon discloses coordinator with a logging unit for collecting and recording output from at least some of said networked stations (Fig. 7; col. 6, lines 36-45); with a report generator, associated with said logging unit, for generating reports based on said collected output (Fig. 7, col. 5, lines 40-47); said report generator comprising a summarizer for summarizing said collected output (e.g. Fig. 7; SUMMARY 390 – Fig. 7); said report generator comprising a describer for evaluating and characterizing said collected output (e.g. *compute delay* , *test results*, *detailed*, *graph* - Fig. 7).

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As per claim 50, Cidon discloses a test apparatus for running on a first station (*Testing center 80* – Fig. 1) to test an application thereon, said test to be integrated with tests on remotely located other stations networked therewith, the apparatus comprising:

an operating unit for sending selected commands to said application, said commands being selectable according to rules (e.g. col. 3, lines 1-9; col. 6, lines 9-35; col. 15, line 66 to col. 16, line 3; *script, commands, subroutines, Javascript, Unix Shell, tcl/tk* - col. 17, lines 18-35), said rules specifying a dependency of a command to be sent to said application upon an evaluation of output at least one of said remote stations (e.g. col. 5, lines 25-57; *pass commands between them* – col. 5, lines 57-65), and

an evaluator, associated with said operation unit, for selecting commands to be sent to said application according to an evaluation of outputs received from said remote stations (Analyzer 62 → Testing Center 80 - Fig. 1; NM 70 – col. 11, lines 3-24), said evaluation being dependent on said rules, thereby to control flow of said commands locally at said first station in accordance with said outputs received from said at least one remote station (e.g. col. 5, line 25 to col. 6, line 56 – Note: Testing center or agent analysis/evaluation of network data based on reports based on execution of script commands reads on evaluation dependent on rules).

As per claim 51, Cidon discloses that said first station is a remote station (Fig. 1 – Note: agent executing script reads on remote station being a first station).

As per claim 52, refer to claim 4 and library of scripts (*list 320* –Fig. 7 – Note: pre-stored script to dictate instruction to be executed in sequential order reads on predetermined synchronization points).

As per claim 53, Cidon discloses wherein said rules are suppliable to said operating unit by a remote coordinator (e.g. Table 2, col. 16; *parameters* - col. 19, line 4-34; *instruction scripts* - col. 16, lines 8-29).

As per claim 54, refer to claim 9.

As per claim 56-57, Cidon discloses the results of test scripts run by each test application (col. 11, line 57 to col. 12, line 41); freeze running of a respective test script until receipt of a predetermined output from a predetermined other of said applications; freeze running of a respective test script until receipt of an indication that a predetermined other application at a remote station is ready to carry out a given operation (refer to claims 20-21 for corresponding rejection).

As per claim 58, Cidon discloses a supervisor method for running an integrated operation on a plurality of applications distributed on networked stations, the method comprising:

sending selected commands to at least one application of said plurality of applications, said application running on a first station (e.g. col. 16, lines 8-21; *script, commands, subroutines, Javascript, Unix Shell, tcl/tk* - col. 17, lines 18-35; col. 5, lines 25-57; Fig. 7),

receiving and evaluating output from said at least one application and from at least one other station (e.g. col. 3, lines 1-9; col. 6, lines 9-35; col. 15, line 66 to col. 16, line 3), and

selecting commands for sending to said application, said selection being dependent on rules (col. 16, lines 8-21 – Note: scripts reads on dependency on rules), said rules specifying a dependency of a command to be sent to said first application upon an evaluation of output from said other station (e.g. col. 3, lines 1-9; col. 6, lines 9-35; col. 15, line 66 to col. 16, line 3; *script*,

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commands, subroutines, Javascript, Unix Shell, tcl/tk - col. 17, lines 18-35; col. 5, lines 25-57; Fig. 7).

As per claims 59-60, these claims include the same limitations of claims 8-9, hence are rejected with the corresponding rationale therein.

As per claim 62, refer to claim 17.

As per claims 64-65, these claims include the same limitations of claims 4 and 23, hence are rejected with the corresponding rationale therein.

As per claim 66, in view of Cidon's teaching of group of agent being arbitrary chosen or selected according to rules, and based on the rationale of claims 64-65, and the group selection by Cidon (col. 7, line 57 to col. 7, line 25), said synchronization point being usable at a plurality of said stations to temporally affect operation at a selected ones of said stations is disclosed.

As per claim 67, Cidon discloses synchronization point and a list of at least one station to use said synchronization point (re claim 24).

As per claim 69, Cidon discloses synchronization point definer to define, with said synchronization point, a list of at least two events from said evaluation (see Table 1, col. 14; Fig. 5, 7 – Note: script commands defined to take event data for evaluation at agent reads on definer to list at least 2 events).

As per claims 71-74, these claims include the same limitations of claims 29-32, hence are rejected with the corresponding rationale therein.

As per claim 75, Cidon discloses outputs comprise the results of test scripts run by each test application (col. 15, line 5-45; Fig. 4-7).

As per claim 76-77, these claims correspond to claims 20-21; hence are rejected using the rationale as set forth therein.

As per claims 78-80, these claims include the same limitations of claims 33-35 respectively, hence are rejected with the corresponding rationale therein.

As per claim 81, Cidon discloses debugging in accordance with output from at least one of said stations (e.g. *until the problem is detected* - col. 18, line 52 to col. 19, line 3).

As per claim 82, Cidon discloses a testing method for testing an integrated operation running as a plurality of applications distributed on networked stations, the method comprising:

sending selected commands to at least one application of said plurality of applications, said application running on a first station (e.g. col. 16, lines 8-21; *script, commands, subroutines, Javascript, Unix Shell, tcl/tk* - col. 17, lines 18-35; col. 5, lines 25-57; Fig. 7);

receiving and evaluating output from said at least one application and from at least one other station (e.g. col. 3, lines 1-9; col. 6, lines 9-35; col. 15, line 66 to col. 16, line 3);

selecting commands for sending to said application, said selection being dependent on rules (col. 16, lines 8-21 – Note: scripts reads on dependency on rules), said rules specifying a dependency of a command to be sent to said first application upon an evaluation of output from said other station (e.g. col. 3, lines 1-9; col. 6, lines 9-35; col. 15, line 66 to col. 16, line 3; *script, commands, subroutines, Javascript, Unix Shell, tcl/tk* - col. 17, lines 18-35; col. 5, lines 25-57; Fig. 7);

comparing said received output to a body of expected output (COMPARE PERFORMANCE – Fig. 5; *predetermined, pre-agreed* – col. 18, lines 26-50); and

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reporting differences between said received output and said expected output, thereby testing whether said received output conforms to expectations (Fig. 7; col. 18, line 52 to col. 19, line 3).

As per claims 83 and 85, these claims are rejected with the corresponding rejections as set forth in claims 11 and 15 respectively.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10, 12-13, 16, 18, 42, 45, 55, 61, 63, 84, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cidon et al., USPN: 6,269,330; and further in view of Haswell et al, USPN: 6,502,102 (hereinafter Haswell).

As per claim 10, Cidon does not disclose regressive testing of said applications; but shows dependency of commands for testing portions of the network management application with multiple feedback from the agents for the testing center to provide further library testing commands and selective library code for performing the testing module (see Table 1, pg. 14; Fig. 7; col. 17, lines 18-35). Based on such dependency of real-time network changes and adaptive readjustment from the testing center, the concept of testing as a regression approach is suggested. Haswell discloses a script-based testing of applications in a framework connecting many stations analogous to Cidon and discloses regression testing (col. 164, lines 24-49). It would have been obvious for one of ordinary skill in the art at the time the invention was made

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to enable the adaptive testing by Cidon so that the test conducted by the agents are founded on a regressive approach as taught by Haswell because of a change of condition in the real-world affecting the rules underlying the selection of commands as disclosed by Cidon can impact the nature of how these test are to be performed or verified as in the regression approach by Haswell (see col. 164, lines 25-31).

As per claim 12, Cidon does not explicitly disclose functional testing unit for functional testing of said integrated operation; but teaches grouping and test stages (col. 6, line 57 to col. 7, line 6; col. 8, lines 7-10), thus suggesting modularizing the network evaluation application into smaller units. Haswell discloses not only test case, assembly test but integration test with modeling to enable testing of each requirement or functional testing unit in conjunction with the integration as well as regression test during migration (Fig. 23-34); hence based on the fleeting aspect of network changes in Cidon, and the migration test to adapt to changes as from Haswell, it would have been obvious for one of ordinary skill in the art at the time the invention was made to enhance the grouping per stage testing by Cidon using integration testing and functional testing unit as by Haswell in order to better evidence change per one functional unit and thus provide a more efficient selection of commands in order to address application data changes related to each functional stage as mentioned above.

As per claim 13, Cidon discloses testing of said integrated operation (re claim 11) but not a regressive testing unit for regressive testing of said integrated operation. But this regression test limitation has been addressed in claim 10 above, hence this claim will incorporate the rejection of claim 10 for the same reasons.

As per claim 16, this claim includes the rejection of claim 14; and further includes the limitation of claim 10, hence incorporates the rationale as set forth therein.

As per claim 18, Cidon discloses testing of said integrated operation (re claim 11) and grouping of test commands by stage of functionality (re claim 12) but does not explicitly disclose a group comprising functional testing ability and regressive testing ability. But this limitation falls under the limitations being addressed in claim 10 and 12; hence is rejected using the corresponding rationale as set forth therein.

As per claim 42, with respect to claim 40, Cidon does not disclose testing comprising a regressive test. But this limitation has been addressed above in claim 10.

As per claim 45, with respect to claim 43, Cidon does not disclose testing comprising a regressive test. But this limitation has been addressed above in claim 10.

As per claim 55, with respect to claim 50, Cidon does not disclose testing comprising a regressive test. But this limitation has been addressed above in claim 10.

As per claim 61, with respect to claim 59, Cidon does not disclose testing comprising a regressive test. But this limitation has been addressed above in claim 10.

As per claim 63, with respect to claim 62, Cidon does not explicitly disclose a group comprising functional testing ability and regressive testing ability. But in light of the rationale of claim 16, this limitation has been treated as being obvious.

As per claim 84, with respect to claim 82, Cidon does not explicitly that comparison of said received output to said body of expected output comprises a regressive test of said integrated operation. But based on the debugging teaching of claim 82, this regressive test limitation would have been obvious in view of the corresponding rationale as set forth above.

As per claim 86, refer to the rejection of claim 16.

8. Claims 25, 28, 68 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cidon et al., USPN: 6,269,330.

As per claim 25, Cidon discloses routers and list of agents (re claim 24) in the context of user selection of group thereof arbitrarily or based on a predetermined rule (e.g. col. 6, lines 57-66; col. 7, line 1-6) hence it would have been obvious for one of ordinary skill in the art at the time the invention was made to enhance a definition comprising a list as mentioned by Cidon so that it lists at least one station to respond thereto in a first way and a list of at least one station to respond thereto in a second way in light of the alternative teaching above like routing and user selection of group of related functions, because one group agent or another responsible for collecting data per chosen group can be alternatively employed by the least resistive path (via router) or via educated choosing by the user at the testing central, enabling the resources of the supervisor system to be more efficiently used in accordance with the concept of selecting path of least resistance so well-known in network communication protocol.

As per claim 28, Cidon does not specifically disclose including with a synchronization point definition, a list of at least one station to react to a first of said events and at least one station to react to at least a second of said events; but based on the rationale of having a list of agents (re claim 24) and the rule-based user selection of agents, this limitation would have been obvious in light of the benefits as set forth above in claim 25, and because the user would have knowledge at the Testing Center as to what group of agents would most likely serve the intended test purposes based on the dynamic changes or situation of the network based on the different

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reports from the agents following the intended purpose of Cidon's group definitions for handling specific functions (col. 7, line 57 to col. 7, line 25).

As per claim 68, this claim corresponds to claim 25; hence is rejected with the rejection as set forth therein.

As per claim 70, Cidon group definitions for handling specific functions (col. 7, line 57 to col. 7, line 25), hence has disclosed grouping of agents to address set of functions; and in case it is proved that Cidon does not specifically disclose utilizing said synchronization point definer to define, with said synchronization point, a list of at least one station to react to a first of said events and a list of at least one station to react to at least a second of said events, then this limitation would have been obvious, because this limitation is analogous to the subject matter of claim 25; hence is rejected using the rationale as set forth therein.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 703-872-9306 (for official correspondence) or redirected to customer service at 571-272-3609.


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Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT

June 23, 2005


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